

FEB 22 2007

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA

v.

PAUL MEREZ GRAHAM,  
a/k/a PAUL MONREZ GRAHAM

CR. NO. 2:06CR144-WKW

[21 USC § 841(a)(1);

18 USC § 924(c)(1)(A)(i);

18 USC § 922(g)(1)]

SECOND SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT 1

On or about January 10, 2006, in Montgomery County, within the Middle District of Alabama,

PAUL MEREZ GRAHAM,  
a/k/a PAUL MONREZ GRAHAM

defendant herein, did knowingly and intentionally possess with the intent to distribute a mixture and substance which contained a detectable amount of cocaine hydrochloride (more commonly known as cocaine powder), a Schedule II Controlled Substance; and marijuana, a Schedule I Controlled Substance. All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 2

On or about January 10, 2006, in Montgomery County, within the Middle District of Alabama,

PAUL MEREZ GRAHAM,  
a/k/a PAUL MONREZ GRAHAM

defendant herein, did knowingly use and carry an Israeli Military Industries (IMI), Model Uzi Eagle, .40 caliber pistol, during and in relation to the drug trafficking offenses charged in Count 1 herein, and did possess said firearm in furtherance of the drug trafficking offenses charged in Count 1. All in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

### COUNT 3

On or about January 10, 2006, in Montgomery County, within the Middle District of Alabama,

PAUL MEREZ GRAHAM,  
a/k/a PAUL MONREZ GRAHAM

defendant herein, having been convicted on or about the dates set forth below of the offenses set forth below, each a felony punishable by imprisonment for a term exceeding one year under the laws of the State of Alabama:

<u>Conviction Date</u>	<u>Court</u>	<u>Case Number</u>	<u>Offense</u>
November 15, 1999	Circuit Court of Montgomery Co., Alabama	CC-99-1399	Receiving Stolen Property I
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February 7, 2000	Circuit Court of Montgomery Co., Alabama	CC-99-1575	Possession of Marijuana First and Failure to Affix Stamp

did knowingly possess, in and affecting commerce, the following firearm: Israeli Military Industries (IMI), Model Uzi Eagle, .40 caliber pistol, in violation of Title 18, United States Code, Section 922(g)(1).

COUNT 4

On or about July 14, 2006, in Montgomery County, within the Middle District of Alabama,

PAUL MEREZ GRAHAM,  
a/k/a PAUL MONREZ GRAHAM

defendant herein, did knowingly and intentionally possess with the intent to distribute:

- (a) marijuana, a Schedule I Controlled Substance;
- (b) a mixture or substance containing a detectable amount of 3,4-methylenedioxymethamphetamine (more commonly known as “Ecstasy”), a Schedule I Controlled Substance;
- (c) a mixture or substance containing a detectable amount of cocaine hydrochloride (more commonly known as “cocaine powder”), a Schedule II Controlled Substance;
- (d) a mixture or substance which contained a detectable amount of cocaine base (more commonly known as “crack cocaine”), a Schedule II Controlled Substance;
- (e) a mixture or substance containing a detectable amount of hydrocodone (the generic name for the primary active ingredient in the prescription drug “Vicodin”), a Schedule II Controlled Substance; and
- (f) a mixture or substance containing a detectable amount of alprazolam (the generic name for the primary active ingredient in the prescription drug “Xanax”), a Schedule IV Controlled Substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 5

On or about July 14, 2006, in Montgomery County, within the Middle District of Alabama,

PAUL MEREZ GRAHAM,  
a/k/a PAUL MONREZ GRAHAM

defendant herein, did knowingly use and carry a Ruger, 9mm caliber pistol, Model P89, during and in relation to a drug trafficking offense as charged in Count 4 herein, and did possess said firearm in furtherance of a drug trafficking offense as charged in Count 4 herein. All in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT 6

On or about July 14, 2006, in Montgomery County, within the Middle District of Alabama,

PAUL MEREZ GRAHAM,  
a/k/a PAUL MONREZ GRAHAM

defendant herein, having been convicted on or about the dates set forth below of the offenses set forth below, each a felony punishable by imprisonment for a term exceeding one year under the laws of the State of Alabama:

<u>Conviction Date</u>	<u>Court</u>	<u>Case Number</u>	<u>Offense</u>
November 15, 1999	Circuit Court of Montgomery Co., Alabama	CC-99-1399	Receiving Stolen Property I
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February 7, 2000	Circuit Court of Montgomery Co., Alabama	CC-99-1575	Possession of Marijuana First and Failure to Affix Stamp

did knowingly possess, in and affecting commerce, the following firearm: a Ruger, 9mm caliber pistol, Model P89, in violation of Title 18, United States Code, Section 922(g)(1).

FORFEITURE ALLEGATION - FIREARMS

A. Counts 1 through 6 of this second superseding indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for the violation of Title 18, United States Code, Section 924(c)(1)(A)(i), as alleged in Counts 2 and 5 of this second superseding indictment or the violation of Title 18, United States Code, Section 922(g)(1), as alleged in Counts 3 and 6 of this second superseding indictment, the defendant,

PAUL MEREZ GRAHAM,  
a/k/a PAUL MONREZ GRAHAM,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924 and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of this offense, including but not limited to the following:

One Israeli Military Industries (IMI), Model Uzi Eagle, .40 caliber pistol; and

One Ruger pistol, 9mm caliber, Model P89.

C. If any of the forfeitable property described in this forfeiture allegation, as a result of any act or omission of the defendant: (1) cannot be located upon the exercise of due diligence; (2) has been transferred or sold to, or deposited with, a third person; (3) has been placed beyond the jurisdiction of the Court; (4) has been substantially diminished in value; or (5) has been commingled with other property which cannot be subdivided without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the forfeitable property.

FORFEITURE ALLEGATION - DRUG PROCEEDS

A. Counts 1 through 6 of this second superseding indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for the violations of Title 21, United States Code, Section 841(a)(1), as alleged in Counts 1 and 4 of this second superseding indictment, the defendant,

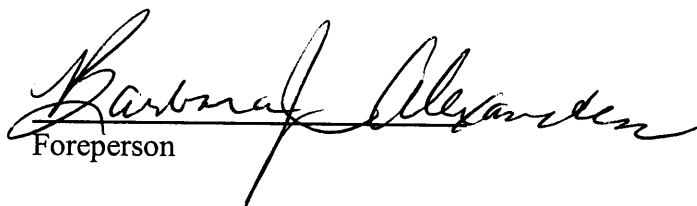
PAUL MEREZ GRAHAM,  
a/k/a PAUL MONREZ GRAHAM,

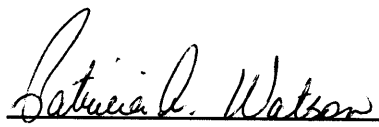
shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the said defendant obtained, directly or indirectly, as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Counts 1 and 4.

C. If any of the forfeitable property described in this forfeiture allegation, as a result of any act or omission of the defendant: (1) cannot be located upon the exercise of due diligence; (2) has been transferred or sold to, or deposited with, a third person; (3) has been placed beyond the jurisdiction of the Court; (4) has been substantially diminished in value; or (5) has been commingled with other property which cannot be subdivided without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, intends to seek an order of this Court forfeiting any other property of said defendant up to the value of the forfeitable property.

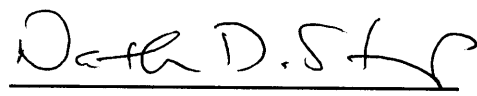
All in violation of Title 21, United States Code, Section 841.

A TRUE BILL:

  
Foreperson

  
for LEURA G. CANARY  
UNITED STATES ATTORNEY

  
JOHN T. HARMON  
Assistant United States Attorney

  
NATHAN D. STUMP  
Assistant United States Attorney